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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590

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EXAMINER

NGUYEN, LE V

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/555,013

Applicant(s)

WAJS, ANDREW AUGUSTINE

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. This communication is responsive to Amendment B, filed 6/17/03.
2. Claims 1-4 and 5-9 are pending in this application. Claim 1 is an independent claim, claim 4 is cancelled, claims 8 and 9 have been added and claims 1 and 5 have been amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

4. Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Dillon (US 6,351,467).

As per claim 1, Dillon teaches a system for controlling a tuning means for receiving broadcasted signals, comprising a microcomputer, and means to connect the system to the Internet, the microcomputer being adapted to process IP signals and to display Web pages including URLs, wherein the microcomputer is adapted to obtain broadcast service information from the Internet, characterized in that a number of URLs for broadcast services are defined as URLs, wherein the system comprises a memory for storing tuning information for a number of broadcast services, and means for selecting a URL, the microcomputer being adapted to retrieve tuning information from the memory by means of a selected URL, wherein the microcomputer is adapted to use the retrieved tuning information for controlling the tuning means to receive

Art Unit: 2174

broadcast signals from the corresponding broadcast service (fig. 2; figs. 6-7; col. 7, lines 32-33; col. 10, lines 43-47).

As per claim 2, Dillon teaches a system wherein the microcomputer is adapted to translate the selected URL into an address which is used to access the memory for retrieving the tuning information of the corresponding broadcast service (col. 5, lines 22-26; col. 6, lines 26-54).

As per claim 3, Dillon teaches a system wherein the selected URL provides an IP address which is placed in an IP stack, wherein the IP address is translated in a MAC address, the MAC address being used to access the memory (col. 16, lines 7-18).

As per claim 5, Dillon teaches a system comprising means for downloading a tuning table from an external source (col. 22, lines 22-61).

As per claims 6 and 7, Dillon teaches a system comprising means for selecting a plurality of HTML pages and means for caching the selected HTML pages, which includes an electronic program guide, the electronic program guide including URLs for broadcast services (figs. 5-6; col. 4, lines 45-64).

As per claims 8 and 9, Dillon teaches a system comprising means for downloading a tuning table from the Internet and a broadcast service provider (col. 7, lines 46 through col. 8, line 10 *users subscribe to WebCast channels of interest*; col. 22, lines 38-44; *a list of channels is downloaded from the Internet*).

### ***Response to Arguments***

5. Applicants' arguments in Amendment B have been fully considered but they are not persuasive.

Applicants argued the following:

(a) In the Dillon reference, the URLs selected are not used to retrieve tuning information from memory, nor is tuning information retrieved in this way used for controlling the tuning means to receive broadcast signals from the corresponding broadcast service.

(b) Dillon does not teach a system wherein the microcomputer is adapted to translate the selected URL into an address which is used to access the memory for retrieving the tuning information of the corresponding broadcast service and wherein the selected URL provides an IP address which is placed in an IP stack, wherein the IP address is translated in a MAC address, the MAC address being used to access the memory.

The Examiner disagrees for the following reasons:

As per (a), Dillon teaches a system for controlling a tuning means for receiving broadcasted signals, comprising a microcomputer, and means to connect the system to the Internet, the microcomputer being adapted to process IP signals and to display Web pages including URLs, wherein the microcomputer is adapted to obtain broadcast service information from the Internet, characterized in that a number of URLs for broadcast services are defined as URLs, wherein the system comprises a memory for storing tuning information for a number of broadcast services, and means for selecting a URL, the microcomputer being adapted to retrieve tuning information from the memory by means of a selected URL, wherein the microcomputer is adapted to use the retrieved tuning information that correspond to a channel/broadcast service (fig. 2; figs. 6-7; col. 7, lines 32-33; col. 10, lines 43-47). If Applicant meant receiving as in receiving live and directly broadcasted signals from a broadcast service (*versus passively, from the cache*), Applicant is encouraged to incorporate such language in the claims.

Art Unit: 2174

As per (b), in an Internet environment wherein the URL is a URL to a channel/broadcast service (col. 5, lines 22-26; col. 6, lines 26-54), the URL inherently is an address used to access the memory and retrieve the tuning information of the channel/broadcast service and provides an IP address that is translated in a MAC address, the MAC address being used to access the memory, in order to provide access control management to the information of the Web pages.

### *Conclusion*

6. Applicant's amendment necessitated the new grounds) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2174

*Inquires*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lê Nguyen whose telephone number is (703) 305-7601. The examiner can normally be reached on Monday - Friday from 8:00 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lê Nguyen  
Patent Examiner  
September 8, 2003

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100